

3 PAGES

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:

California Independent Petroleum
Association,

Debtor.

Case No.: 21-23169-B-11

Chapter 11

FWP-1

STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY

The Center for Biological Diversity, Inc. ("CBD") and the California Independent Petroleum Association ("Debtor"), by and through their respective counsel of record, in support of their Stipulation for Relief from the Automatic Stay ("Stipulation"), recite and agree as follows:

Recitals

1. The Debtor filed a voluntary petition for relief on September 5, 2021 (the "Petition Date") and elected to proceed under subchapter V of chapter 11 of the Bankruptcy Code. The Debtor continues to operate and manage its affairs as a debtor in possession pursuant to Bankruptcy Code § 1184.

2. In 2015, CBD, as part of a coalition of plaintiffs, filed a lawsuit against Kern County for the alleged improper adoption of an environmental impact report for a local oil and gas ordinance, entitled *King and Gardiner Farms v. Kern County* Case No. BCV-15-101645-GP, which was later consolidated with Kern County Case Nos. BCV-15-101666, BCV-15-101679, BCV-21-100533, and BCV-21-100536 (collectively “State Court Action”).

3. The Debtor and Western States Petroleum Association (“WSPA”) were named as real parties in interest in the State Court Action as the applicants of the project at issue. However, all relief being sought in the State Court Action is directed at Kern County; no substantive relief is being sought from the Debtor. A hearing to determine the merits of the case is scheduled for April 28, 2022.

4. On October 12, 2021, the Debtor filed its Notice of Stay of Proceedings in the State Court Action.

5. The deadline for CBD and its co-petitioners to file their opening briefs regarding the merits of the case is November 8, 2021.

6. Debtor contends that its bankruptcy filing stayed the continuation of the State Court Action as against the Debtor pursuant to 11 U.S.C. § 362(a)(1). However, the parties are entering into this Stipulation to lift the stay of § 362(a) as to all parties to the State Court Action for the purpose of continued prosecution of the State Court Action only.

NOW WHEREFORE, subject to Bankruptcy Court approval, it is stipulated by and between the parties hereto that:

A. The stay of 11 U.S.C. § 362(a) is lifted as to all parties to the State Court Action solely for the purpose of continued prosecution of the State Court Action by all parties thereto.

B. The fourteen (14) day stay prescribed by Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived.

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1 **WHEREFORE**, the parties pray for an order consistent with the foregoing.

2 Dated: November 2, 2021

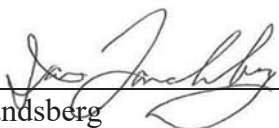
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By: /s/ Nicholas L. Kohlmeyer
Nicholas L. Kohlmeyer
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8 Dated: November 2, 2021

SKLAR KIRSH, LLP

By: 
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